

Remarks/Arguments

Claims 1 – 9 are pending in the application. Claims 1 and 8 are independent.

In the present response, claims 1, 3, 5, 6, 8 and 9 are amended. The support for the claim amendment may be found in Applicants' specification, for example, page 5, lines 28 – 35. No new matter is added.

Objection to Claims

The Office Action objects to claim 8, line 7 which recites the “recording medium,” which has no antecedent basis.

In the present response, claim 8 is amended to obviate this objection.

Withdrawal of the objection to claim 8 is respectfully requested.

Rejection of claims 8 and 9 under 35 U.S.C. 112, first paragraph, for failing to contain a written description of a “recording medium” (cited in line 7 of claim 8), in the specification.

In the present response, claim 8 is amended to obviate this rejection.

Withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. 112 is respectfully requested.

Rejection of claims 1 – 9 under 35 U.S.C. 103(a) over Tripp et al. (US 6516337, hereinafter “Tripp”) in view of Mourad et al. (US 20030135464, hereinafter “Mourad”) and further in view of Wright et al. (US 20050055578, hereinafter “Wright”)

Applicants submit that for at least the following reasons, claims 1 – 9 are patentable over Tripp, Mourad and Wright, either singly or in combination.

For example, claim 1, in part, requires:

“A method implemented in an apparatus for reading from exchangeable optical disks for retrieving a file system of an exchangeable optical disk,” and

“upon insertion of an exchangeable optical disk into the apparatus,
determining a signature of the optical disk by measuring features based on a
data pattern stored on the exchangeable optical disk, the signature including a
plurality of elements.” (Emphases added)

Applicants submit that the method disclosed by Tripp is not implemented in “an apparatus for reading from exchangeable optical disks,” nor is it performed “upon insertion of an exchangeable optical disk into the apparatus.” Tripp is clearly not concerned with exchangeable optical disks. The method disclosed by Tripp is apparently not applicable to exchangeable optical disks, as it requires the files to be permanently present on a recording medium, i.e. a hard disk of a personal computer. Applicant submits that nowhere in Tripp does it mention exchangeable optical disks or other types of exchangeable optical media. Therefore, Tripp does not disclose the above claimed features.

In addition, claim 1, in part, also requires:

“retrieving the associated file system indicating the physical position of the
content on the exchangeable optical disk from the content database if the
signature is equal to a signature stored in the content database.” (Emphases added)

In the Office Action, the Office alleged that Tripp, column 5, lines 9 – 29 and column 7, lines 42 – 52, discloses the above claimed features. Applicants respectfully disagree.

Contrary to the Office’s assertion, Tripp is not concerned with retrieving the file system of a recording medium. Tripp is only interested in obtaining information about the files that are available on a recording medium, and about their logical position, i.e. the folder structure of the hard disk. Tripp is not interested in the physical position of the files on the recording medium; it is the task of the operating system to match the logical position to the physical position. Although Tripp mentions about pointers that specify a location or address, from the context, it is apparent to a skilled person in the art that “location or address” is related to logical addresses, not to physical addresses on the hard drives of the computers attached to the network. Furthermore, Tripp even

speaks about the network being the world wide web. A search engine for cataloguing files in the world wide web apparently does not have the slightest possibility to obtain files systems of the hosts hosting the files. All that is available are logical addresses. Thus, this clearly suggests that Tripp is referring to logical addresses only.

In addition, Tripp does not disclose retrieving the associated file system indicating the physical position of the content on the exchangeable optical disk from the content database. The only information retrieved from the content database is the knowledge that a file has been changed.

Therefore, Tripp fails to teach or suggest the claimed feature: retrieving the associated file system indicating the physical position of the content on the exchangeable optical disk from the content database if the signature is equal to a signature stored in the content database.

Applicants further submit that neither Mourad nor Wright discloses or even gives a hint to retrieve the associated file system indicating the physical position of the content on the optical disk, and thus Mourad and Wright fail to cure the deficiencies present in Tripp as discussed above. Therefore, claim 1 is patentable over Tripp, Mourad and Wright, either singly or in combination.

Independent claim 8 is different from claim 1 and must be interpreted based upon its own recited limitations, however the relative argument used above for claim 1 may be applied to the individual features of claim 8. Therefore, Applicants essentially repeat the above arguments for claim 1 and apply them to claim 8, pointing out why claim 8 is patentable over Tripp, Mourad and Wright. Claims 2 – 7 and 9 respectively depend from and inherit all the respective features of either claims 1 or 8. Thus, claims 2 – 7 and 9 are patentable for at least the reason that they respectively depend from claims 1 or 8, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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